



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,954	11/21/2001	Paul V. Morinville	IBIG1100-2	4408

42671 7590 07/06/2005

LAW OFFICES OF MARK L. BERRIER
1250 CAPITAL OF TEXAS HIGHWAY, SOUTH
BUILDING II, SUITE 216
AUSTIN, TX 78746

EXAMINER

ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
----------	--------------

2167

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,954

Applicant(s)

MORINVILLE, PAUL V.

Examiner

Mohammad Ali

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

PD

DETAILED ACTION

1. This communication is in response to the Amendment/Remarks filed on 4/14/05.

Claims 1-3 and 6-23 are pending in this Office Action. Claims 4, 5, 24 and 25 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3 and 6-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 6-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and 21 recites the limitation "A method" in claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 and 6-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106 IV.B.2.(b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Claims 1-3 and 6-23, in view of the above-cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. The use of a computer has not been indicated.

Theses claim do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer.. In other words the software must be computer-readable. The use of a computer is not evident in the claim. MPEP 2106.IV.B.1(a) refers to "computer-readable" medium with computer program encoded on it."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, and 6-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al. (U.S. Patent 6,075,851) in view of Debbie Pinard (USP 6,816,589).

Claim 1 : FIG. 2 illustrates an organizational chart which is stored in the centrally accessible database (19). As seen in FIG. 2, the organization chart identifies a first position (MARY) and second position (FRED). The second position (FRED) is immediately above the first position (MARY) because Fred is Mary's boss (col. 3, lines 42-53).

As described in col. 3, lines 35-63, if Fred attempts to call Mary and Mary has authorized calls from her boss, Mary's user agent (17) looks up Fred's phone number, and if it matches Mary's authorization of calls from her boss, a match is made and the call is placed to Mary. In this instance Mary has selected the role ("My Boss") for accepted calls and Mary's user agent (17) has made a determination that the selected role ("My Boss") is associated with the second position (FRED). At this point, the search for alternate roles stops and the call is completed when Fred is the caller.

On the other hand, if the caller is not Fred, the process is continued on positions below the second position (FRED), such as searching and locating Mary's secretary who is below Fred and completing the call to the secretary (col. 3, lines 60-64).

Pinard ('851) does not explicitly indicate claimed "searching a selected role within an organization".

Pinard ('589) discloses claimed searching a selected role within an organization (the hunt group agent searches through all of the members who have been defined in the role of customer support, who are currently active and, utilizing the roles defined by

the particular hunt group type, and chooses the appropriate person to send the call to (see col. 12, lines 28-32).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because searching a selected role within an organization of Pinard ('589) teachings would have allowed Pinard ('851) system dynamically to allocate telephone and other communications equipment to predetermined groups as suggested by Pinard ('589) at col. 1, lines 12-13. Further, searching a selected role within an organization as taught by Pinard ('589) improves to provide for assigning to each person within an organization at least one role, a plurality of communication groups having respective group name identifiers for associating predetermined roles with the groups and respective group phone numbers, and a role list data file for automatically associating respective ones of the users with a predetermined one or more of the communication groups according to the role identifier for the respective users (see col. 1, lines 42-50, Pinard ('589).

Claim 2: The selected business process is an inter-office calling. The selected role (the selection of (My Boss" by Mary) is associated with a function (verbal communication) in the business process. The person identified as being at the first position (MARY) initiates the process by first ordering the call screening service before receiving calls.

Claim 3: Mary performs the function of selecting the role (selecting 1:My Boss" as the authorized role). Mary identifies the role by entering it into the call screening system.

Claim 6-7: The main identified role in the system is the role "My Boss" identified by Mary. As seen in FIG. 2, this role is not unique, as Helen and Joe may be the boss to Fred and Bill may be the boss to everyone. This also means that multiple positions to assume that role.

Claim 8: Searching positions below the second position may be accomplished according to a defined pattern, as seen in FIG. 8. For example, if a request is made for Fred, who is at the second position, the database is set-up to divert the call to John, who is at a lower position than Fred in FIG. 2.

Claim 9: FIG. 2 illustrates the hierarchical organizational structure. There is also a separate role structure (col. 3, lines 1-3). For example, in FIG. 2, Jane has the role of secretary at a specific hierarchical level. Based on the ability of the system to search and identify other roles, such as "My Boss" it appears that all of the elements in the hierarchy are associated with roles.

Claim 10-12: The hierarchy of FIG. 2 is a hierarchical "functional role" structure, since it defines functional roles, such as "secretary". It is also a superiority role" structure since the bosses are above the employees (Fred is Mary's boss). It is further viewable as a legal role structure since a boss typically has different legal obligations than other employees.

Claim 13: The "functional role" is a job function, such as secretary.

Claim 14: The "superiority role" is considered to be a title, such as "boss" or "manager".

Claim 15: The "superiority role" inherently implies levels of grade, with the boss being at a higher grade than those not designated as boss.

Claim 16: Any role within an organization, such as "boss" or "secretary" define an "EEO classification", as best as can be understood.

Claim 17: The role of "boss" as a superiority role defines a job classification, namely, that the designated individual exercises some degree of management or supervision.

Claim 18: Performing the step of matching selected roles ("My Boss") to a specific person on the same system at a later time or on other systems constitutes performing a search for another role.

Claim 19-20: Steps (a)-(d) may be repeated on the same system at a later time, or on another system at the same or a different time. Step (e) no longer exists.

Claim 21: FIG. 2 illustrates a hierarchical structure of names in an organization. Each element provides a unique position. Col. 3, lines 1-3 state that an additional hierarchical structure of roles are provided. For example, the role of secretary is illustrated in FIG. 2 as one of the roles. The hierarchical structure of names is linked to the role/roles associated with that name.

Pinard ('851) does not explicitly indicate claimed "managing business role within an organization".

Pinard ('589) discloses claimed managing business role within an organization (the mechanism can add resources in excess of that provided by the group agent to locally customize; the local manager can "purchase" resources independent of the enterprise. It can customize policies for the broker area, see col. 7, lines 58-62).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because managing business role within an organization of Pinard ('589) teachings would have allowed Pinard ('851) system dynamically to allocate telephone and other communications equipment to predetermined groups as suggested by Pinard ('589) at col. 1, lines 12-13. Further, managing business role within an organization as taught by Pinard ('589) improves to provide for assigning to each person within an organization at least one role, a plurality of communication groups having respective group name identifiers for associating predetermined roles with the groups and respective group phone numbers, and a role list data file for automatically associating respective ones of the users with a predetermined one or more of the communication groups according to the role identifier for the respective users (see col. 1, lines 42-50, Pinard ('589)).

A user such as Mary (col. 3, lines 35-65) associates access rights for incoming phone calls. In the particular example cited, Mary has granted access rights to her boss Fred who is granted direct calling privileges without having his calls diverted. Calls made within the organization are thus controlled by the access rights granted by each employee.

Claims 22-23: See remarks for claims 10-12.


Art Unit: 2167

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rimell whose telephone number is (571) 272-4084. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad Ali, For, Sam Rimell
Primary Examiner
Art Unit 2167

MA
June 29, 2005